

108TH CONGRESS  
1ST SESSION

# S. 159

To require the Federal Communications Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 14, 2003

Mrs. BOXER (for herself and Mr. ALLEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the Federal Communications Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jumpstart Broadband  
5 Act”.

6 **SEC. 2. ENCOURAGEMENT OF NEW TECHNOLOGIES.**

7 (a) UNLICENSED NATIONAL INFORMATION INFRA-  
8 STRUCTURE DEVICES.—

1           (1) IMMEDIATE ALLOCATION OF SPECTRUM.—

2       Within 180 days after the date of enactment of this  
3       Act, the Commission shall allocate not less than an  
4       additional 255 megahertz of contiguous spectrum in  
5       the 5 gigahertz band for unlicensed use by wireless  
6       broadband devices while ensuring that Department  
7       of Defense devices and systems are not com-  
8       promised.

9           (2) INTERFERENCE PROTECTION.—Within 180  
10      days after the date of enactment of this Act, the Na-  
11      tional Telecommunications and Information Admin-  
12      istration shall, after consultation with all interested  
13      agencies and parties, including the Department of  
14      Defense, establish standards for interference protec-  
15      tion that is reasonably required to enable incumbent  
16      Federal government agency users of spectrum allo-  
17      cated under paragraph (1) to continue to use that  
18      spectrum, and advise the Commission of those  
19      standards.

20          (3) DEVICE REQUIREMENTS.—Within 360 days  
21      after the date of enactment of this Act, the Commis-  
22      sion shall—

23                  (A) with respect to spectrum allocation  
24                  under paragraph (1), adopt minimal technical

1 and device rules to facilitate robust and effi-  
 2 cient use for wireless broadband devices; and

3 (B) amend its rules to require that all  
 4 wireless broadband devices manufactured after  
 5 the effective date of those rules that operate in  
 6 the spectrum allocated under paragraph (1)—

7 (i) be capable of 2-way digital commu-  
 8 nications;

9 (ii) meet the interference protection  
 10 standards established under paragraph (2).

11 **SEC. 3. DEFINITIONS.**

12 (a) IN GENERAL.—In this Act:

13 (1) COMMISSION.—The term “Commission”  
 14 means the Federal Communications Commission.

15 (2) BROADBAND SERVICE.—The term  
 16 “broadband service” means high rate digital trans-  
 17 mission service—

18 (A) via cable modem, digital subscriber  
 19 line, wireless, satellite, or other telecommuni-  
 20 cations technology; and

21 (B) capable of reliably transmitting voice,  
 22 data, and/or video simultaneously between and  
 23 among digital devices and between these devices  
 24 and the Internet, on a consistent basis, at data

1 transfer rates no slower than those defined  
2 from time to time by the Commission.

3 (3) WIRELESS BROADBAND DEVICE.—The term  
4 “wireless broadband device” includes—

5 (A) U–NII devices (as defined in section  
6 15.403(i) of title 47, Code of Federal Regula-  
7 tions); and

8 (B) other devices used to access wireless  
9 broadband services.

10 (b) TERMS DEFINED IN THE COMMUNICATIONS ACT  
11 OF 1934.—Except as provided in subsection (a), any term  
12 used in this Act that is defined in section 3 of the Commu-  
13 nications Act of 1934 (47 U.S.C. 153) has the meaning  
14 given that term in that section.

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